



# UNITED STATES PATENT AND TRADEMARK OFFICE

*len*

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/613,179	07/03/2003	Demitri Anastassopoulos	MSI-1561US	4899
22801	7590	09/15/2006	EXAMINER	
LEE & HAYES PLLC 421 W RIVERSIDE AVENUE SUITE 500 SPOKANE, WA 99201			BARBEE, MANUEL L	
			ART UNIT	PAPER NUMBER
			2857	

DATE MAILED: 09/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/613,179	Applicant(s) ANASTASSOPOULOS ET AL.	
	Examiner Manuel L. Barbee	Art Unit 2857	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 31 July 2006.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-48 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-48 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 July 2006 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 31 July 2006 has been entered.

### **Claim Rejections - 35 USC § 102**

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 32, 33, 37, 40 and 47 are rejected under 35 U.S.C. 102(e) as being anticipated by Gorshenev et al. (US Patent Application Publication 2004/0153772).

With regard to a memory and a processor coupled to the memory, as shown in claim 32, Gorshenev et al. teach a computing device which would have memory for storing a testing module (par. 24, par. 28; Figs. 1, 2). With regard to instructions stored in memory to access a test tool performed on a server computer and perform testing

through a communication channel, as shown in claim 32, Gorshenev et al. teach communicating through a network and a client testing module that communicates with a remote testing module on a server (par. 30).

With regard to graphics testing, as shown in claim 33, Gorshenev et al. teach testing a graphical user interface (par. 30).

With regard to a memory and a processor, as shown in claim 37, Gorshenev teaches a server with that would have memory for storing a testing module (par. 26; Fig. 2). With regard to a memory to store instructions executable on the processor to access a remote client computer, transmit testing information from a resident test tool through a communication channel and perform the resident test tool, Gorshenev et al. teach a remote testing module on the server to communicate with the client testing module for testing through a network (par. 30).

With regard to graphics testing, as shown in claim 40, Gorshenev et al. teach testing a graphical user interface (par. 30).

With regard to one or more client computers, as shown in claim 47, Gorshenev teaches a computing device (Figs. 1, 2, computing device 104). With regard to a server computer configured to identify software modules performed on the server computer used to provide graphical tests through a communication channel to particular remote computers, as shown in claim 47, Gorshenev et al. teach a server with remote testing modules for communicating through a network with a computing device for testing a graphical user interface (par. 30).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 2, 6-8, 12, 13, 15, 19, 20, 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Conan et al. (US Patent Application Publication 2001/0012986) in view of Gorshenev et al.

With regard to establishing a session with a server computer and receiving a set of instructions and data directed to providing testing from the server computer, based on performing a test tool resident at the server computer, as shown in claim 1, Conan et al. teach submitting test cases including test scripts from a job execution process from a server computer to a client process for execution (pars. 30, 38; Figs. 2, 3, pars 33-45). With regard to creating a virtual channel and transferring testing information through the virtual channel, as shown in claim 1, Conan et al. teach using sockets for communication between the server and the client process and transmitting test results back to the server from the client (pars 32, 40, 41).

Conan et al. do not teach graphics testing or that the test tool is performed at the server computer, as shown in claim 1. Gorshenev et al. teach executing a testing module at the server for graphical user interface (GUI) testing (par. 30). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the computer testing, as taught by Conan et al., to include GUI testing from a

server, as taught by Gorshenev et al., because then the user interface would have been ensured to display correctly (par. 6).

With regard to receiving a request from the server computer, as shown in claim 2, Conan et al. teach that the server submits the test case to the client process (par. 30). With regard to forming a virtual channel through a wide area network or the Internet, as shown in claims 6 and 7, Conan et al. teach using web communication and TCP/IP for the sockets (pars. 3, 24). With regard to registering a unique virtual identifier with the server computer, as shown in claim 8, Conan et al. teach registering the client resources with the server (par. 45). With regard to a personal computer, as shown in claim 12, Conan et al. teach a computer (pars. 22, 23).

With regard to establishing a session with a remote client, storing a set of instructions and data in a registry and sending the set of instructions and data to a remote client computer and performing the testing by a resident test tool, as shown in claim 13, Conan et al. teach submitting test cases including test scripts from a job execution process from a server computer to a client process for execution (pars. 30, 38; Figs. 2, 3, pars 33-45). With regard to creating a virtual channel, as shown in claim 13, Conan et al. teach using sockets for communication between the server and the client process and transmitting test results back to the server from the client (pars 32, 40, 41).

Conan et al. do not teach graphics testing or that the test tool is performed at the server computer, as shown in claim 13. Gorshenev et al. teach executing a testing module at the server for graphical user interface (GUI) testing (par. 30). It would have

been obvious to one of ordinary skill in the art at the time the invention was made to modify the computer testing, as taught by Conan et al., to include GUI testing from a server, as taught by Gorshenev et al., because then the user interface would have been ensured to display correctly (par. 6).

With regard to sending a request to a remote client, as shown in claim 15, Conan et al. teach that the server submits the test case to the client process (par. 30). With regard to forming a virtual channel through a wide area network or the Internet, as shown in claims 19 and 20, Conan et al. teach using web communication and TCP/IP for the sockets (pars. 3, 24). With regard to a server computer, as shown in claim 23, Conan et al. teach a server computer (pars. 22, 23).

6. Claims 3 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Conan et al. in view of Gorshenev et al. as applied to claims 1 and 13 above, and further in view of Matthews (US Patent Application Publication 2003/0098879).

Conan et al. and Gorshenev et al. teach all the limitations of claim 1 upon which claim 3 depends and claim 13 upon which claim 14 depends. Conan et al. and Gorshenev et al. do not teach receiving a request to the server to establish the session, as shown in claims 3 and 14. Mathews teaches submitting requests to the server from a client computer (par. 32, Figure 3, step 100). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify computer testing combination, as taught by Conan et al. and Gorshenev, to submitting a request to the server, as taught by Mathews, because then an user at a client would have been able to verify the proper operation of software at the client.

7. Claims 4, 5, 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Conan et al. in view of Gorshenev as applied to claims 1 and 13 above, and further in view of Perugini et al. (US Patent No. 5,896,494).

Conan et al. and Gorshenev et al. teach all the limitations of claim 1 upon which claims 4 and 5 depend and claim 13 upon which claims 16 and 17 depend. Further, with regard to a test tool that is a series of tests that are part of a test application program resident on the server computer, as shown in claims 4, 5, 16 and 17, Conan et al. teach generating a test script based on test cases selected from a test bucket on the server (par. 30). Conan et al. and Mathews do not teach that the instructions comprise a dynamic link library (DLL), as shown in claims 4 and 16. Perugini et al. teach diagnostic modules that are DLL's (col. 9, line 43 - col. 10, line 7). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify computer testing combination, as taught by Conan et al. and Gorshenev et al., to include DLL's for testing modules, as taught by Perugini et al., because then computers using a Windows operating system would have been tested.

8. Claims 9 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Conan et al. in view of Gorshenev et al. as applied to claims 1 and 13 above, and further in view of Packer (US Patent No. 5,978,575).

Conan et al. and Gorshenev et al. teach all the limitations of claim 1 upon which claim 9 depends and claim 13 upon which claim 21 depends. Further, with regard to executing tests in a list of tests prior to succeeding tests in the list of tests, as shown in claim 9, Conan et al. teach submitting a test script to be executed by the client computer



(pars. 30, 43). Conan et al. and Mathews do not teach timing each of the tests and storing the time, as shown in claim 9, or timing how long information related to graphics testing is sent, as shown in claim 21. Packer teaches timing the execution of a test (Abstract). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify computer testing combination, as taught by Conan et al. and Gorshenev et al., to include timing tests, as taught by Packer, because then the test would have given an accurate reflection of computer performance (Packer, col. 1, lines 36-55).

9. Claims 10, 11, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Conan et al. in view of Gorshenev et al. as applied to claims 1 and 13 above, and further in view of Klein et al. (US Patent No. 6,526,371).

Conan et al. and Gorshenev et al. teach all the limitations of claim 1 upon which claims 10 and 11 depend and claim 13 upon which claim 22 depends. Conan et al. and Mathews do not teach timing the establishing of a session, as shown in claims 10 and 22, or timing the logging off, as shown in claim 11. Klein teaches timing the response time when a transaction is initiated (Abstract). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify computer testing combination, as taught by Conan et al. and Gorshenev et al., to include measuring response time, as taught by Klein et al., because then performance of various applications would have been measured (Klein et al., col. 1, lines 33-49).

10. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Conan et al. in view of Gorshenev et al. and Perugini et al. as applied to claim 17 above, and further in view of Packer.

Conan et al., Gorshenev et al. and Perugini et al. teach all the limitations of claim 17 upon which claim 18 depends. Conan et al., Mathews and Perugini et al. do not teach timing each of the tests, as shown in claim 18. Packer teaches timing the execution of a test (Abstract). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify computer testing combination, as taught by Conan et al., Gorshenev et al. and Perugini et al., to include timing tests, as taught by Packer, because then the test would have given an accurate reflection of computer performance (Packer, col. 1, lines 36-55).

11. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gorshenev in view of Packer.

With regard to means for performing graphics tests from a remote test tool resident on a server computer and means for facilitating receipt of the graphics tests on the computer, as shown in claim 24, Gorshenev et al. teach testing modules on a server and communication through a network with a client for GUI testing (par. 30). Gorshenev et al. do not teach means for timing the graphics tests, as shown in claim 24. Packer teaches timing the execution of a test (Abstract). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify GUI testing, as taught by Gorshenev et al., to include timing tests, as taught by Packer, because then

the test would have given an accurate reflection of computer performance (Packer, col. 1, lines 36-55).

12. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gorshenev et al. in view of Packer as applied to claim 24 above, and further in view of Perugini et al.

Gorshenev et al. and Packer teach all the limitations of claim 24 upon which claim 25 depends. Gorshenev et al. and Packer do not teach a dynamic link library, as shown in claim 25. Perugini et al. teach diagnostic modules that are DLL's (col. 9, line 43 - col. 10, line 7). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify GUI testing combination, as taught by Gorshenev et al. and Packer, to include DLL's for testing modules, as taught by Perugini et al., because then computers using a Windows operating system would have been tested.

13. Claims 26 and 27 rejected under 35 U.S.C. 103(a) as being unpatentable over Gorshenev et al. in view of Packer as applied to claim 24 above, and further in view of Conan et al.

Gorshenev et al. and Packer teach all the limitations of claim 24 upon which claims 26 and 27 depend. Gorshenev et al. and Packer do not teach establishing a virtual channel through a wide area network or the Internet, as shown in claims 26 and 27. Conan et al. teach using web communication and TCP/IP for the sockets (pars. 3, 24). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify GUI testing combination, as taught by Gorshenev et al.

and Packer, to include sockets through the web, as taught by Conan et al., because the sockets would have facilitated communication between the server and the client.

14. Claims 28, 30, 31 and 42-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Conan et al. in view of Gorshenev et al. and Packer.

With regard to means for accessing a remote client computer and storing instructions and data used by a test tool resident at the server computer to provide testing to the remote client computer, as shown in claim 28, Conan et al. submitting test cases including test scripts from a job execution process from a server computer to a client process for execution (pars. 30, 38; Figs. 2, 3, pars 33-45). With regard to means for identifying particular instructions and data, as shown in claim 28, Conan et al. teach using a test request to select test cases to be used to generate the test script (par. 28). With regard to means for setting up a virtual channel, as shown in claim 28, Conan et al. teach setting up socket connections (pars. 40, 41).

Conan et al. do not teach a test tool performed at the server computer, as shown in claim 28. Gorshenev et al. teach executing a testing module at the server for graphical user interface (GUI) testing (par. 30). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the computer testing, as taught by Conan et al., to include GUI testing from a server, as taught by Gorshenev et al., because then the user interface would have been ensured to display correctly (par. 6).

Conan et al. do not teach means for timing the tests, as shown in claim 28. Packer teaches timing the execution of a test (Abstract). It would have been obvious to

one of ordinary skill in the art at the time the invention was made to modify computer testing, as taught by Conan et al., to include timing tests, as taught by Packer, because then the test would have given an accurate reflection of computer performance (Packer, col. 1, lines 36-55).

With regard to means for setting up the virtual channel over a wide area network or the Internet, as shown in claims 30 and 31, Conan et al. teach using web communication and TCP/IP for the sockets (pars. 3, 24).

With regard to contacting a server to send instructions and data, as shown in claim 42, Conan et al. teach submitting test cases stored at a server computer to a client process for execution (pars. 30, 38). With regard to setting up a virtual channel in which testing is performed by the test tool, as shown in claim 42, Conan et al. teach setting up socket connections for communicating testing information from the job execution process on the server and the test scripts transferred to the client (pars. 40, 41).

Conan et al. do not teach a test tool performed at the server computer, as shown in claim 42. Gorshenev et al. teach executing a testing module at the server for graphical user interface (GUI) testing (par. 30). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the computer testing, as taught by Conan et al., to include GUI testing from a server, as taught by Gorshenev et al., because then the user interface would have been ensured to display correctly (par. 6).

Conan et al. do not teach determining the beginning and ending of individual tests, as shown in claim 42, or timing the tests and storing the time, as shown in claims 43 and 44. Packer teaches timing the execution of a test and storing the times (Abstract, col. 5, line 23 - col. 6, line 3). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify computer testing, as taught by Conan et al., to include timing tests, as taught by Packer, because then the test would have given an accurate reflection of computer performance (Packer, col. 1, lines 36-55).

15. Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Conan et al. in view of Gorshenev et al. and Packer as applied to claim 28 above, and further in view of Perugini et al.

Conan et al., Gorshenev et al. and Packer teach all the limitations of claim 28 upon which claim 29 depends. Conan et al., Gorshenev et al. and Packer do not teach a dynamic link library, as shown in claim 29. Perugini et al. teach diagnostic modules that are DLL's (col. 9, line 43 - col. 10, line 7). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify computer testing combination, as taught by Conan et al., Gorshenev et al. and Packer, to include DLL's for testing modules, as taught by Perugini et al., because then computers using a Windows operating system would have been tested.

16. Claims 34, 38 and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gorshenev et al. in view of Conan et al.

Gorshenev et al. teach all the limitations of claim 32 upon which claim 34 depends, claim 37 upon which claim 38 depends and claim 47 upon which claim 48 depends. Gorshenev et al. do not teach a virtual channel, as shown in claims 34, 38 and 48. Conan et al. teach using sockets for communication between the server and the client process and transmitting test results back to the server from the client (pars 32, 40, 41). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the GUI testing, as taught by Gorshenev et al., to include sockets for communication, as taught by Conan et al., because a reliable communication channel would have been established.

17. Claims 35 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gorshenev et al. in view of Perugini et al.

Gorshenev et al. teach all the limitations of claim 32 upon which claim 35 depends and claim 37 upon which claim 39 depends. Gorshenev et al. does not teach a dynamic link library, as shown in claims 35 and 39. Perugini et al. teach diagnostic modules that are DLL's (col. 9, line 43 - col. 10, line 7). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the GUI testing, as taught by Gorshenev et al., to include DLL's for testing modules, as taught by Perugini et al., because then computers using a Windows operating system would have been tested.

18. Claims 36 and 41 rejected under 35 U.S.C. 103(a) as being unpatentable over Gorshenev et al. in view of Perugini et al.

Gorshenev et al. teach all the limitations of claim 32 upon which claim 36 depends and claim 37 upon which claim 41 depends. Gorshenev et al. do not teach means for timing the tests, as shown in claims 36 and 41. Packer teaches timing the execution of a test (Abstract). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify GUI testing, as taught by Gorshenev et al., to include timing tests, as taught by Packer, because then the test would have given an accurate reflection of computer performance (Packer, col. 1, lines 36-55).

19. Claim 45 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gorshenev et al. in view of Perugini et al.

With regard to a processor configured to initiate a session with a remote client computing device and a memory module to perform testing regarding a resident graphics test to a remote compute using an interface, as shown in claim 45, Gorshenev et al. teach a server with a testing module for GUI testing through a network.

Gorshenev et al. do not teach dynamic link libraries or graphics testing, as shown in claim 45. Perugini et al. teach diagnostic modules that are DLL's (col. 9, line 43 - col. 10, line 7). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify GUI testing, as taught by Gorshenev et al., to include DLL's for testing modules, as taught by Perugini et al., because then computers using a Windows operating system would have been tested.

20. Claim 46 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gorshenev et al. in view of Perugini et al. as applied to claim 45 above, and further in view of Conan.



Gorshenev et al. and Perugini et al. teach all the limitations of claim 45 upon which claim 46 depends. Gorshenev et al. and Perugini et al. do not teach a virtual channel, as shown in claim 46. Conan et al. teach using sockets for communication between the server and the client process and transmitting test results back to the server from the client (pars 32, 40, 41). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the GUI testing combination, as taught by Gorshenev et al. and Perugini et al., to include sockets for communication, as taught by Conan et al., because a reliable communication channel would have been established.

### ***Response to Arguments***

21. Applicant's arguments with respect to claims 1-48 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

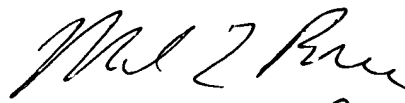
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Manuel L. Barbee whose telephone number is 571-272-2212. The examiner can normally be reached on Monday-Friday from 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marc S. Hoff can be reached on 571-272-2216. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2857

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

mlb  
September 12, 2006

  
Manuel L. Barbce  
Patent Examiner  
Art Unit 2857